

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

NIKI FRENCHKO,)	Case No. 4:23-cv-07819
)	
Plaintiff,)	Judge J. Philip Calabrese
)	
v.)	Magistrate Judge
)	Thomas M. Parker
MONROE, <i>et al.</i> ,)	
)	
Defendants.)	
)	

ORDER

At the status conference on May 3, 2023, the Court directed Plaintiff to provide notice of her intent to service subpoenas for Defendants' professional and personal cell phone records and set a deadline for Defendants to raise any objections to the subpoenas. (ECF No. 14.) In doing so, the Court was clear that the procedures set forth in its Civil Standing Order applied to any discovery disputes, including objections to subpoenas. (*See id.*, PageID #111.)

The Court's Civil Standing Order (available on the Court's website) outlines an informal dispute resolution process short of motion practice that requires counsel to confer with opposing counsel and reach impasse before involving the Court. *See* Section 6.A. If at impasse, the Civil Standing Order directs counsel to advise chambers so that the Court can schedule a call with counsel to resolve the issue with as little delay and expense as possible. The Court's Civil Standing Order makes clear that the informal resolution process applies to a subpoena: "THE COURT DOES NOT PERMIT THE FILING OF DISCOVERY MOTIONS (including motions to

compel, motions to quash, motions for protective order, or motions relating to a subpoena) regarding discovery disputes, unless and until counsel use the following procedure” If that language leaves any doubt, the Court advised the parties of this procedure on the record on May 3, 2023. Moreover, the Court referenced this procedure in the Minutes and Order dated May 3, 2023 (ECF No. 14, PageID #111).

Two Defendants (Sgt. Wix and Sgt. Ross) object to the subpoenas Plaintiff intends to serve. They did so without following the procedures the Court requires for raising the issue. Nor did these Defendants advise whether they conferred with Plaintiff’s counsel to seek an informal resolution of the dispute. Even if they had, however, they did not bring the matter to the attention of the Court before filing their objection.

For these reasons, the Court **STRIKES** Defendants’ objection (ECF No. 21).

SO ORDERED.

Dated: May 15, 2023



J. Philip Calabrese
United States District Judge
Northern District of Ohio